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Kirton & McConkie
1800 Eagle Gate Tower
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Salt Lake City, UT 84111

EXAMINER

ANDERSON, JOHN A

ART UNIT	PAPER NUMBER
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3609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,542	Applicant(s) ROBERTS ET AL.	
	Examiner John A. Anderson	Art Unit 3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-21 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 12 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Dakin (US PG Pub 2002/0077874)**.

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As regards **Claim 12**, Dakin discloses a method for selling timeshares to cabins on cruise ships. The method includes designating certain blocks of cabins on the ship, for the cruise line as being for sale as timeshare cabins, [0010].

As regards **Claim 18**, Dakin discloses in one embodiment, system 10 (shown in FIG. 1) is configured to present to a timeshare owner possible reciprocal trades of timeshare cabins on other ships within the database, either of the same cruise line or another cruise line.

As regards **Claim 19**, Dakin discloses. Server 12 is configured to receive and store information relating to the reservations and time-sharing of cabins on cruise ships within one or more databases [0008]. Server 12 is coupled to computers 14 via a WAN or LAN. In alternative embodiments, a user may dial in or directly login to an Intranet or the Internet to gain access to server 12. Each computer 14 includes an interface for communicating with server 12. The interface facilitates user input of data relating to time-sharing and also the reception of information output. A computer-based time-sharing tool, as described below in more detail and including the database described above, is stored in server computer 12 and can be accessed by a requester at any one of computers 14. A system such as system 10 provides anytime, anyplace access to time-sharing information, stored in the databases, required by, for example, reservation personnel and timeshare owners. In one embodiment, the databases are accessible from an Intranet or Internet web page [0009].

As regards **Claim 20, Dakin discloses** a system such as system 10 provides anytime, anyplace access to time-sharing information, stored in the databases, required by, for example, reservation personnel and timeshare owners. In one embodiment, the databases are accessible from an Intranet or Internet web page, [0009].

Claims 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by **Southland (US PG Pub No. 2003/0229573 A1)**.

As regard **Claim 13, Southland discloses** some of the remaining 25% intervals can be used for travel agency reservations for one-time sales, [0016]. Note that Southland reference discloses all the limitation of claim 12, as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dakin (US Patent No. 2002/0077874)** in view of **Johnson (US PG Pub 2001/0039500)**

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As regards **Claim 1**, a method comprising issuing stock shares in an entity, which owns rights to use a cruise ship; **Dakin discloses** A method for implementing a time sharing arrangement for cabins on a cruise, said method comprising the steps of: designating certain blocks of cabins on at least one ship as being for sale as timeshare cabins; setting terms and conditions for the sale of a timeshare unit; and closing the transaction with a customer

Dakin does not disclose issuing stock shares in an equity, which owns rights to use a cruise ship.

Johnson discloses the "ownership interest" may comprise equity shares of a corporation, or warrants, stock options, partnership share interests, and any other quantifiable ownership interest. For convenience, these types of ownership interest may be generally referred to herein as "equity interests"[0010].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Johnson in the device of Dakin to issue stock shares to own rights to a cruise ship. The motivation would be to provide a technique for allocating ownership interest for a business, and calculate contributions of each transaction to the value of the business.

As regards **Claim 7**, **Dakin discloses** designation of certain blocks of cabins on at least one ship as being for sale as timeshare cabins, [Abstract].

Dakin does not disclose shares of a preferred stock.

Johnson discloses that the ownership interest may comprise shares in the business entity, if it is a corporation, or may comprise shares in a corporation being newly formed, based in whole or in part on assets of the business entity, or may comprise warrants, stock options, partnership shares, and the like. There may be ownership classes to be allocated, for example, ownership classes such as preferred stock and common stock, or general partner and limited partner [0036].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Johnson in the device of Dakin to include shares of preferred stock. The motivation would be to provide a business method of systematically assessing equity allocation among competing entities to ensure consistent application of criteria and accurate determination of the amount of stock to be awarded, based on business contribution.

As regards **Claim 8, Dakin discloses** the method, in one embodiment, includes a classification for each unit available for time-share purchase. Each unit available for purchase as a timeshare unit is classified, for example, by one of suite, first class, an interior (no window) cabin, and an exterior cabin. Also which floor of the cruise ship the cabins are located are of interest to a potential timeshare purchaser.

Dakin does not disclose stock shares issued in a plurality of classes and values.

Johnson discloses the ownership interest may comprise shares in the business entity, if it is a corporation, or may comprise shares in a corporation being newly formed, based in whole or in part on assets of the business entity, or may comprise warrants, stock options, partnership shares, and the like. There may be ownership classes to be allocated, for example, ownership classes such as preferred stock and common stock, or general partner and limited partner. Thus, the technique provides a business method of systematically assessing equity allocation among competing entities to ensure consistent application of criteria and accurate determination of the amount of stock to be awarded, based on business contributions [0036].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Johnson in the device of Dakin to develop ownership interest in the business entity, bases on its assets, comprising stock options or partnership shares. The motivation would be to provide a business method of systematically assessing equity allocation among competing entities to ensure consistent application of criteria and accurate determination of the amount of stock to be awarded, based on business contributions.

As regards **Claim 10, Dakin discloses** designation of certain blocks of cabins on at least one ship as being for sale as timeshare cabins, [Abstract].

Dakin does not disclose shares of a preferred stock.

Johnson discloses that the ownership interest may comprise shares in the business entity, if it is a corporation, or may comprise shares in a corporation being newly formed, based in whole or in part on assets of the business entity, or may comprise warrants, stock options, partnership shares, and the like. There may be ownership classes to be allocated, for example, ownership classes such as preferred stock and common stock, or general partner and limited partner [0036].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Johnson in the device of Dakin to include shares of preferred stock. The motivation would be to provide a business method of systematically assessing equity allocation among competing entities to ensure consistent application of criteria and accurate determination of the amount of stock to be awarded, based on business contribution.

Claims 2-6,9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dakin (US Patent No. 2002/0077874)** in view of **Southland (US PG Pub No. 2003/0229573 A1)**.

As regards **Claim 2, Dakin discloses** timeshares units typically provide vacationers an upscale vacation location for a set period. The time-share unit provides certain amenities. [0002] It would be desirable to utilize the time-share concept for multiple types of facilities. [0003]. A method for implementing a time-sharing arrangement for cabins on a cruise ship includes, [0004].

Dakin does not disclose the terms and conditions of timeshare ownership.

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Southland discloses the customers chose what they want to do during their stay aboard the yacht, and the lessor provides each of the services desired, or causes others to provide the desired services, [0021].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use **Southland** in the device of Dakin, the lessor works with the customer to fulfill their desires for entertainment, implicitly indicating their right to use the facilities. The motivation would be to attract the customers to purchase the rights of ownership to a cruise ship cabin.

As regards Claim 3, **Dakin discloses** a time-sharing arrangement for cabins on a cruise ship includes facilities having amenities [0004].

Dakin does not disclose the amenities available on the cruise ship.

Southland discloses that each yacht is accompanied by a fully outfitted sister ship that is available for the customer's use. By "sister ship", it is meant a motor-powered boat smaller than the yacht that can be used by the customer for traveling away from the yacht to visit locations of interest or for sporting activities. Each sister ship is supplied with equipment for sport fishing, scuba and snorkel expeditions, island exploring, visits to secluded beaches, Jet skiing, etc. Each sister ship includes an ultra-inclusive day spa, [0020].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use **Southland** in the device of **Dakin**, as the lessor works with the customers to fulfill their desires for entertainment, nightlife, sports, dinning and

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sightseeing etc. The motivation would be to give a customer an aura of exclusivity and individual attention.

As regards **Claim 4, Dakin discloses** that the time-share unit provides certain amenities the typical hotel does not provide, [0002].

Dakin does not disclose what amenity is available on the cruise ship.

Southland discloses the lessor provides to the customers luxury resort style, ultra-inclusive accommodations on the yacht [0021].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use Southland in the device of Dakin, to provide amenities for use on board the cruise ship. The motivation would be to provide the customers with the means for relaxation and entertainment.

As regards **Claim 5, Dakin discloses** that the time-share unit provides certain amenities the typical hotel does not provide, [0002].

Dakin does not disclose what amenity is available off the cruise ship.

Southland discloses the lessor provides to the customers luxury resort style, ultra-inclusive accommodations off the yacht [0021].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use Southland in the device of Dakin, to provide amenities for use on board the cruise ship. The motivation would be to provide the customers with the means for relaxation and entertainment.

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As regards **Claim 6, Dakin discloses** a system that provides access to time-sharing information, stored in a database required by reservation personnel and timeshare owners.

Dakin does not disclose a distinct method for issuing stock shares.

Southland discloses the lessor sells use of the yacht for a certain period of time per year for a term of years [0014]. The lessor sells to a customer use of the yacht during one or more fractional leasehold intervals per year for a plurality of years; however, the lessee does not sell all the intervals as fractional leaseholds; preferably, the lessee sells less than 75% of the intervals as fractional leaseholds. Alternatively, some of the remaining 25% intervals can be used for travel agency reservations for one-time sales [0016].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use Southland in the device of Dakin, to provide a means for issuing stock shares. The motivation would be to make available the means for purchasing stock shares having associated rights to a cruise.

As regards **Claim 9, Dakin discloses** since by its nature a timeshare is a purchase of a unit of time, and since cruises are typically one or two weeks, although exceptions apply, a potential timeshare purchaser would need to know which time slots are available for the timeshare units, and what the duration is for those time slots. Therefore, in one embodiment includes the designating of which weeks or other units of time, are available for the timeshare units, [0012]. Dakin also discloses a showing of available dates for the timeshare unit.

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Dakin does not disclose specifically, the step for selectively scheduling a use period to a stockholder.

Southland discloses the intervals are offered as fractional leasehold intervals on a first come first served basis, and the customer chooses one or more intervals from among the interval that have not been sold to other customers. [0015]

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Southland in the device of Dakin to develop ownership interest in the business entity, bases on its assets, comprising stock options or partnership shares. The motivation would be to keep the time sharing application modular current, allowing new applications to be plugged into the time-sharing application.

As regards **Claim 17, Dakin discloses** it would be desirable to provide a method for potential purchasers to learn about such timeshare offerings and to provide timeshare purchasers with financing for the purchase [0003].

Dakin does not disclose explicitly how the use periods are assigned.

Southland discloses the lessor offers for sale to customers' use of the yacht during one or more of the intervals. The intervals are offered as fractional leasehold intervals on a first-come, first-served basis, and the customer chooses one or more intervals from among the intervals that have not been sold to other customers, [0015].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use **Southland** in the device of Dakin, to determine how to

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distribute the periods. The motivation would be to sell the available cabins in a systematic manner.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dakin (US Patent No. 2002/0077874)** in view **Gossen et al (US Pat No. 6356880)**.

As regards **Claim 11**, **Dakin** discloses embodiment includes the designation of a sales price, which would be typically commensurate with demand for cabin space, for each timeshare unit available for each time slot for each cabin. [0013].

Dakin does not disclose a means of allocating expenses.

Goossens et al disclose according to the present invention, the attributes for a given transaction, whether material or resource-related, are entered (either manually or automatically by accessing tables within a database) into a suitable computer system (an example of which is shown in FIG. 6) adapted to track the costs of the project at hand, [column 7 line 47-53].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use **Gossen et al** in the device of **Johnson**. **Gossen** indicates a method for cost allocation. The examiner equates associated cost with expenditures. The motivation would be to track material usage and services performed such that appropriate pricing can be derived and offer to purchaser at a commensurate with demand for cabin space.

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Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dakin (US Patent No. 2002/0077874)** in view of **Stanley et al (PG Pub 2003/0149619)**.

As regards **Claim 14**, **Dakin** discloses a method for implementing a time-sharing arrangement for cabins on a cruise ship, which includes a designation of terms, and conditions for the sale of a timeshare unit.

Dakin does not disclose any details of the terms and conditions for the purchase of a cabin.

Stanley et al discloses an enterprise promotions system can be used for managing comps earned by patrons at a casino or any other kind of redeemable points that patrons can earn from commercial activity with an enterprise. [0118]

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use Dakin in the device of Stanley. Stanley et al indicates a method for patrons can store points to be used at a later date. The examiner equates comps earned to be equivalent to points earned by a customer. The motivation would be to promote and encourage commercial activity with the enterprise, at casinos, restaurants and other retail environments.

As regards **Claim 15**, **Dakin discloses** any details of the terms and conditions for the purchase of a cabin.

Dakin does not disclose any details of the terms and conditions for the purchase of a cabin.

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Stanley et al discloses earned comps are stored by the system, where patrons can later redeem these comps for free goods or services, [0118].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use Dakin in the device of Stanley. Stanley et al indicates a method for patrons can store points to be used at a later date. The examiner equates comps earned to be equivalent to points earned by a customer. The motivation would be to promote and encourage commercial activity with the enterprise, at casinos, restaurants and other retail environments.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dakin (US Patent No. 20020077874)** as applied to claim 12 above, and further in view of **Schiff et al (US Pub 20020022978 A1)**.

As regards **Claim 16**, **Dakin** discloses a method for implementing a time-sharing arrangement for cabins on a cruise ship [Abstract].

Dakin does not disclose specifically that a cabin may include double, triple or even quadruple occupancy.

Schiff et al (PG Pub No. 2002/0022978 A1) discloses in one embodiment, the best prices are by default based upon double occupancy, though the user may change the number of persons per cabin, [0113].

It would have been obvious for to a person of ordinary skill in the art at the time of the invention was made to use **Schiff et al** in the device of **Dakin**, means of double

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occupancy. The motivation would be to provide adequate accommodation for a party of two.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Southland** (US PG Pub No. 2003/0229573 A1) in view of **Dakin** (US Patent No. 20020077874).

As regards **Claim 21**, **Southland discloses** prior to leasing any time on a yacht, the lessor divides an entire year's use of the yacht into a number of intervals of time, hereinafter "intervals". Then, the lessor offers for sale to customer's use of the yacht during one or more of the intervals, [0015]. **Southland does not disclose** using a portion of the cruise ship for a fixed.

Dakin discloses by its nature a timeshare is a purchase of a unit of time, and since cruises are typically one or two weeks, although exceptions apply, [0012].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Dakin in view of Southland to specify the interval of time as a time unit, typically one or two weeks. The motivation would be that a potential timeshare purchaser would need to know which time slots are available for the timeshare units, and what the duration is for those time slots.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Anderson whose telephone number is 571-270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Enayet Ullah can be reached on 571-2722361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John A Anderson
Examiner
Art Unit 3609


AKM ULLAH
SUPERVISORY PATENT EXAMINER